## REMARKS

This application has been reviewed in light of the Office Action dated April 7, 2004. Claims 1, 3-7, and 9-13 are presented for examination, of which Claims 1, 5, and 10-13 are in independent form. Claims 1, 3, 5, and 9-13 have been amended to define still more clearly what Applicant regards as his invention. Favorable reconsideration is requested.

Claims 1, 5 and 10-13 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 4,386,416 (Giltner et al.). Claim 4 was rejected under 35 U.S.C. § 103(a) as being obvious from *Giltner* in view of Official Notice taken of discrimination of data amount. Claims 3, 6, 7, and 9 were rejected under Section 103(a) as being obvious from *Giltner* in view of U.S. Patent 5,774,654 (Birrell et al.).

Independent Claim 1 is directed to a data transmission apparatus that comprises an input unit, arranged to input data, a transmission unit, arranged to transmit the inputted data to a destination, and a discrimination unit, arranged to discriminate an attribute of the inputted data. Also provided are a storage unit, arranged to store the inputted data as a file, and a control unit, arranged to control transmission operation of the transmission unit in accordance with a discrimination result obtained by the discrimination unit. According to Claim 1, the control unit selectively controls (1) such that the transmission unit transmits the inputted data to the

destination, or (2) such that the transmission unit transmits storage location information for accessing the file stored in the storage unit, to the destination, in accordance with the discrimination result obtained by the discrimination unit.

Among other important features of Claim 1 is the control, which, depending on he result of discrimination, is either (1) such that the transmission unit transmits the inputted data to the destination, or (2) such that the transmission unit transmits storage location information for accessing the file stored in the storage unit, to the destination.

*Giltner* relates to data compression and encryption using a technique intended to reduce the number of bits required to transmit a given text. In the procedure to be executed in *Giltner* when a text message is transmitted to a destination, the transmission side first refers to a fixed library provided in a ROM 38 (see Fig. 1) and a reconfiguration library provided in a RAM 40. Compression is performed word by word. If a word in the message to be transmitted is a word that is already registered in the fixed library, the word is replaced by an escape code and the library address associated with this word in that library. If the word is not registered in the fixed library, a similar search for the word is made in the reconfiguration library, and if the search is successful, the word is replaced similarly with the word's address in that library. If the word is not found in either library, then the character form of this word is not changed in the text. The

reception side has libraries identical with those used at the transmission side. Thus, on the reception side, the compressed message is decompressed by referring to those libraries.

It is suggested in the Office Action (page 3, first paragraph) that the selective control content by the control unit of the apparatus of Claim 1 is fully met by the compression process performed at the transmission side in *Giltner* that is selectively controlled so that the word is replaced by a library address if the word is registered in the library but is sent in the word's character form if the word is not registered. Applicant cannot accept this view, for the following reasons.

In the *Giltner* system, libraries identical with those of the transmission side must be provided at the reception side for the compression scheme to work. Thus, when the reception side which has received a compressed message finds a library address in the received message, the reception side decompresses the compressed message by referring to the appropriate reception-side library, based on the found library address. It is to be noted that the destination (the reception side) where this decompression processing is performed, is not the same as the location where the message has been stored (at the transmission side). It is not seen how one of ordinary skill would be led by *Giltner* to an arrangement in which, as in Claim 1, a single apparatus (the apparatus to which Claim 1 is directed) has both "a discrimination unit, arranged

to discriminate an attribute of the data inputted" by an input unit, and "a storage unit, arranged to store the data inputted by said input unit as a file". Rather, in *Giltner*, discrimination of what is in the text (words versus library addresses) is performed at the reception side, while the storage preceding the selective transmission of either the file or a storage location is performed at the transmission side. No suggestion is seen in that patent of any other arrangement.

Moreover, if the determination at the transmission side in *Giltner* system as to whether a given word is registered in one of the transmission-side libraries is deemed to correspond to the recited discrimination unit of Claim 1, the terms of that claim are still not met by *Giltner*. Claim 1 recites that the data that is inputted by the input unit is stored by the storage unit "as a file". That is, what is input (e.g., a text) is stored as a file, whereas the libraries in *Giltner* are stores of individual words, and not the inputted text that is to be compressed and transmitted.

Furthermore, in the apparatus of Claim 1, the transmission apparatus transmits to the destination the storage location information (when it transmits that information rather than the data itself) which is information for accessing the storage unit in which the inputted data is stored. The destination side, having received this storage location information, refers to the indicated location in the storage unit where the inputted data is stored at the transmission side.

Thus, in an apparatus according to Claim 1, when it is the storage location of the data that is transmitted to the destination, it is unnecessary also to transmit the data itself (at least at the same time), and as a result the present load on the network can be remarkably reduced. Applicant urges strongly that neither this structure, nor this procedure is even hinted at by *Giltner*, and nothing in that patent would provide any part of the benefit provided by the apparatus of Claim 1.

Applicant also notes that in the *Giltner* system, operation is selectively controlled as to whether to transmit the library address or to transmit the character form, and this control is effected word by word, for each word in a given message. Nothing in *Giltner* suggests performing such control with respect to an entire file as a unit, as is done by the discrimination unit recited in Claim 1.

To emphasize this point, in *Giltner*, once a word in message is replaced by a library, that completes the compression processing for that word. After such processing has been performed for each word in the message for which a library registration has been found, the message -- of whatever mixture of unchanged words and addresses it may not be composed -- is still transmitted to the destination. This does not in any way suggest an apparatus like that of Claim 1, in which the operation of the control unit, in cooperation with the discrimination effected by the discrimination unit, selects whether to transmit the data itself or merely to

transmit the storage location of this data. This is perhaps the starkest difference between *Giltner* and the apparatus of Claim 1.

For all these reasons, Claim 1 is believed to be clearly allowable over that patent.

Claims 10 and 12 are, respectively, a method and a memory-medium claim corresponding to Claim 1, and are believed allowable over *Giltner* for at least the reasons given above in connection with Claim 1.

Independent Claim 5 is directed to a data transmission apparatus that comprises an input unit, arranged to input data, a transmission unit, arranged to transmit the inputted data to a destination, and a discrimination unit, arranged to discriminate a characteristic of the destination. The apparatus also comprises a storage unit, arranged to store the inputted data as a file, and a control unit, arranged to control transmission operation of the transmission unit in accordance with a discrimination result obtained by the discrimination unit. The control unit selectively controls (1) such that the transmission unit transmits the inputted data to the destination, or (2) such that the transmission unit transmits storage location information for accessing the file in the storage unit, to the destination, in accordance with the discrimination result obtained by the discrimination unit.

Claim 5, and its corresponding method Claim 11 and memory-medium Claim 13, are believed to be allowable over *Giltner* for the same reasons as are set out above in connection with Claim 1.

The other rejected claims in this application depend from one or the other of independent Claims 1 and 5, discussed above and, therefore, are submitted to be patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, individual reconsideration of the patentability of each claim on its own merits is respectfully requested.[1]

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

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[1] Applicant notes particularly that he does not agree with the application of official notice tin the statement of the rejection of Claim 4, and does not accede to this notice, or its use in formulating the rejection of that claim.